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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,333	06/27/2003	Michele Lupano	22602	7935

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EXAMINER

HUYNH, KIM NGOC

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/609,333

Applicant(s)

LUPANO, MICHELE

Examiner

Kim Huynh

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/27/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-98 is/are rejected.
- 7) ☒ Claim(s) 9 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1 sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to because black boxes in Figs. 1-4 lack descriptive labels. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the message processing unit recognizes if the reset message is from either local reset or remote apparatus (emphasis added). This seems to be inconsistent with the specification and the limitations of claims in which claim 6 depends from. Should this be "local reset or supervising apparatus" instead?

Correction/clarification required.

The following rejections are made based on the examiner's best interpretation of the claims in light of the 35 USC 112 rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7-8, 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirose et al. (US 5,136,715).

Claims 1-2 and 11-12, Hirose discloses a system for controlling remote apparatuses, comprising a remote apparatus (terminal stations 12, Fig. 4-5), a supervising apparatus (master station 11), and a communication channel 13 on which both data and commands messages transit (col. 2, ll. 53-63), a command sent from the supervising apparatus 11 is recognized by a device (Fig. 4) installed in the remote apparatus, the device is being active at all times without interruptions.

Hirose discloses using HDLC (col. 6, ll. 53-59); HDLC protocol is a serial synchronous communication using frame format which the devices are continuously communicating to stay in sync and wherein confirmation or acknowledgement is a standard part of the HDLC protocol logical connection between two parties.

The device comprises a two way serial interface (transmit/receive circuit 50 via transmission line using HDCL protocol, col. 6, ll. 53-59), unit 40 for processing the received message or locally from the apparatus (col. 6, ll. 7-33 and col. 7, ll. 43-53) and for generating a feedback message (HDCL protocol), a command signal generator

Art Unit: 2182

(program routine) generating signals consisting of variation of status of the electrical lines directed to the remote apparatus (col.1, ll. 13-27, col. 2, ll.14-18 and col. 3, l. 67 to col. 4, l. 3, a terminal station being an electric transformer substation for monitoring and collecting data to report to the master station to detect malfunctions).

Claims 3 and 7, Hirose disclose the processing unit recognizes command message as a particular sequence of characters (col. 4, ll. 19-26, reset command defined data portion, a sequence of bits that make up the sequence of characters) and is sufficiently long to make its random appearance unlikely (distinguish from other command/data).

Claims 4, 8 and 13, Hirose disclose the command message being a reset command to the remote apparatus (col. 4, ll. 19-23) and the two-way device is connected to a line which is an extension of the communication channel (lines connecting between the units of the terminal device).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-6 are rejected under 35 U.S.C. 103(a) as being obvious over Hirose in view of Pearson (US 5,875,328).

Hirose disclose all the limitations of claim 4 above except the device having local reset and the device is capable of recognizing the reset signal from either the local or remote reset. Pearson discloses a control system master-slave fault monitoring control computer (coll. 1, ll. 20-29) having remote and local reset which recognized by the local system (Fig. 5, col. 6, l. 57 to col. 7, l. 5) provide alternate means to reset the system. Both Hirose and Pearson concern with monitoring and detecting fault of a remote apparatus; therefore, it would also have been obvious to one having ordinary skill in the art provide a local reset means in the system of Hirose in order to provide an alternate means to reset the system as taught by Pearson

Allowable Subject Matter

Claims 9-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mochinaga (US 5,581,549) and Grivna et al. (US 5,949,799) disclose various master-slave control system for sending a reset command to the remote/slave device.

Aleshi (US 5,968,172) discloses the need to provide a local reset in addition to a remote reset via serial communication (hardware and software reset) to avoid lockup

Art Unit: 2182

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Huynh whose telephone number is (571) 272-4147.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kim Huynh
Primary Examiner
Art Unit 2182

KH
3/18/05